

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

TRUSTEES of the CHICAGO REGIONAL)	
COUNCIL OF CARPENTERS PENSION FUND,)	
CHICAGO REGIONAL COUNCIL OF)	
CARPENTERS WELFARE FUND, and CHICAGO)	
REGIONAL COUNCIL OF CARPENTERS)	CASE NO. 07 C 4915
APPRENTICE & TRAINEE PROGRAM FUND)	
)	JUDGE CONLON
Plaintiffs,)	
)	
v.)	
)	
PWDBE CONCRETE, INC.)	
)	
Defendant.)	

MOTION FOR ENTRY OF ORDER OF JUDGMENT

Plaintiffs, by its attorney, Whitfield McGann & Ketterman, move this Honorable Court to enter Order of Judgment according to Fed. R. Civ. P. 58 pursuant to the Court's Order for a technical default for failure to appear, answer or otherwise plead. Further, in support of this Motion the Plaintiffs state:

1. Plaintiffs filed their complaint on August 30, 2007 and the summons and complaint was served on September 7, 2007 by Marc O'Brien via the Process Server. **(Exhibit A, Affidavit of Service)**

2. The Defendant has failed to appear, answer or otherwise plead within the time allowed by the Fed. R. Civ. P. The Court entered a technical default on October 11, 2007.

3. At all times relevant to this action, the Defendant has been bound by the provisions of a Collective Bargaining Agreement and the Trust Agreements which created the Trust Funds. Pursuant to the provisions of the Trust Agreements and the Collective Bargaining Agreement, the Defendant is required to submit monthly reports to the Trust Funds which list the number of hours worked by the Defendant's employees and to pay the ERISA contributions based on those hours.

4. The Defendant submitted the monthly contribution reports but failed to submit the ERISA contributions shown to be owed in the amount of \$15,289.12 for the months of September 2006 through August 2007. The Defendant also failed to remit the union dues it withheld from the employees' wages. The amount of dues withheld is \$1,560.18 for the period May 2007 through August 2007. **(Exhibit B, Affidavit of James Rosemeyer)**

5. The Defendant owes interest on the unpaid ERISA contributions in the amount of \$202.54 pursuant to the Trust Agreements and 29 U.S.C. §1132(g)(2)(B). **(Exhibit B)**

6. The Defendant owes liquidated damages on the unpaid ERISA contributions in the amount of \$1,389.44 for the period September 2006 through August 2007 pursuant to the Collective Bargaining Agreements, the Trust Agreements and 29 U.S.C. §1132(g)(2)(C)(ii). **(Exhibit B)**

7. The Defendant owes the sum of \$2,762.50 for necessary and reasonable attorney fees and costs, which are collectible under the terms of the Collective Bargaining Agreement, the Trust Agreements and 29 U.S.C. §1132(g)(2)(D). **(Exhibit C, Affidavit of Amy Elizabeth Paluch Epton)**

WHEREFORE, Plaintiffs pray that their motion for entry of Order of Judgment be granted in the amount of \$21,203.78.

Respectively submitted,

s/ Amy Elizabeth Paluch Epton
Attorney for the Trustees of the Chicago Regional
Council of Carpenters Pension Fund, et al.

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